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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,998	09/18/2003	Takahiro Matsumoto	1232-5156	4610
27123	7590	11/16/2006		EXAMINER
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				ALANKO, ANITA KAREN
			ART UNIT	PAPER NUMBER
			1765	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/664,998	MATSUMOTO ET AL
	Examiner	Art Unit
	Anita K. Alanko	1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 9/7/06 RCE.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 9-18 and 25-32 is/are pending in the application.
  - 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 25-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/06 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Magome et al (US 5,754,300).

Magome discloses a position detection method comprising:  
an image information acquisition step of obtaining image information (from detector 9) of the position detection marks (Fig.4a, Fig.4b) from the light that has been received;  
a conversion step of converting the image information to a light-intensity signal (Fig.8a) for each line of a plurality of lines partitioned in a direction substantially orthogonal to a direction in which the position detection marks are detected (using A/D converter 31);  
a determination step of determining whether the light-intensity signal of each line is valid or not (since the signal is not valid, it is clipped, Fig.8C); and

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a position information calculation step of calculating position information of the position detection marks from light-intensity signals of valid lines (see abstract).

Claims 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Irie et al (US 5,808,910).

Irie discloses a position detection method comprising:

- an image information acquisition step of obtaining image information (Fig.2) of the position detection marks “alignment mark” from the light IL that has been received;
- a conversion step of converting the image information to a light-intensity signal SS for each line of a plurality of lines partitioned in a direction substantially orthogonal to a direction in which the position detections marks are detected (using photodetecting device 35);
- a determination step of determining whether the light-intensity signal of each line is valid or not (determining whether the peculiar shot should be included or not, col.3, lines 50-65); and
- a position information calculation step of calculating position information of the position detection marks from light-intensity signals of valid lines (col.3, lines 64-65).

As to claims 31-32, Irie discloses to use the global alignment technique 62 (col.11, lines 3+).

***Response to Amendment***

The objection to the specification is withdrawn and 35 USC 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections are withdrawn since claims 19-24 were cancelled.

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The claims remain rejected over Magome et al (US 5,754,300) and Irie. The rejection over Nishi (US 4,962,318) is withdrawn. Applicant's point is well taken that Nishi does not disclose or suggest the combination of steps of claim 25.

***Response to Arguments***

Applicant's arguments filed 9/7/06 have been fully considered but they are not persuasive to the extent they still apply. Applicant argues that Magome et al (US 5,754,300) does not disclose the claim limitations. The argument that Magome does not disclose determining a valid line is not persuasive. There may be confusion because examiner is broadly interpreting "valid" to include the clipped signal. The lines are clipped (Fig.8c) compared to the light-intensity signal that is not clipped (Fig.8a-8b). Lines that are not clipped are not valid, whereas lines that are clipped are valid. The clipped, valid lines are then used to determine position information.

Applicant argues that Irie determines a peculiar shot by statistical methods. In response, this is not in conflict with the claim. As broadly interpreted, the lines that are associated with the peculiar shot are not valid lines, and since the peculiar shot is excluded from the position determination (col.3, lines 58-65), the position determination is based on only valid lines.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Anita K. Alanko*

Anita K Alanko  
Primary Examiner  
Art Unit 1765